

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2002-2
January 11, 2002

SUBJECT: Establishment- Office of Partnerships and Grants Development; Rescission of Mayor's Order Establishing Office of Partnerships and Resource Development

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to sections 422(2), 422(6), and 422(11) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(2), 1-204.22(6), and 1-204.22(11) (2001), section 115 of the District of Columbia Appropriations Act, 2002 ("FY 2002 Appropriations Act"), approved December 21, 2001, Pub. L. 107-96, (and any substantially identical successor law), section 119 of the FY 2002 Appropriations Act (and any substantially identical successor law), and relevant provisions of the federal Anti-Deficiency Act, 31 U.S.C. §§ 1349 and 1351, it is hereby **ORDERED** that Mayor's Order 2001-132, dated September 10, 2001, is rescinded and reissued to read as follows:

I. Rationale

- (a) The District of Columbia government is responsible for providing essential services to District residents. Public funds currently are sometimes insufficient to provide adequate support to essential government programs. For this reason, public and private grants, public and private partnerships, and private donations are sometimes relied upon to support government functions. The application for public and private grants is often a formal, competitive process, and the use of such grants is generally subject to rigorous auditing. (The term "grant" as used herein means an award of funds or other resources from a public or private grant-making organization or agency.) The District of Columbia government also is authorized by section 115 of the FY 2002 Appropriations Act to accept private donations for an authorized governmental function or duty. (The term "donations" as used herein means donations of funds, services and property solicited and received pursuant to that authority.) Unlike grants as described above, the solicitation, acceptance, and use of private donations has not been similarly regularized. Procedures must be adopted to ensure that solicitation, acceptance, and use of private donations are governed by the highest standards of ethics and accountability.
- (b) This Order incorporates into a new Office of Partnerships and Grants Development ("OPGD") the mission, objectives, and functions of the existing Office of Partnerships and Resource Development, while rescinding Mayor's Order 2001-132, dated September 10, 2001, which established the latter office. This Order adds to that mission and those objectives and functions by authorizing the new office to enforce mandatory procedures for the solicitation, receipt and use of all donations made to the District government, including subordinate and independent agencies, in order to ensure that (with the sole exceptions stated in Section II (b) below) donations are properly solicited, processed, used and accounted for. The only method authorized by Congress to augment the District's budget by use of contributed private resources is pursuant to section 115 of the FY 2002 Appropriations Act (and any substantially identical successor law). This provision permits the Mayor to authorize solicitation, receipt, and use of donations of funds, services and property by agencies of the District government in accordance with governmental functions or duties that are authorized by statutes, reorganization plans, regulations, or Executive Orders.

II. Scope

- (a) This Order applies to the application for, acceptance, and use of grants on behalf of the District government as authorized under section 119 of the FY 2002 Appropriations Act (and any substantially identical successor law).
- (b) This Order also applies to all solicitation, receipt, and use of private donations of funds, services and property by agencies of the District government as authorized under section 115 of the FY 2002 Appropriations Act (and any substantially identical successor law), except that:
 - (1) this Order does not apply to the recruitment of volunteers for appropriate government activities as authorized by the Volunteer Services Act, D.C. Official Code § 1-319.01 *et seq.*; and
 - (2) the Mayor's authority exercised by this Order does not apply to the Council of the District of Columbia and the D.C. Board of Education, each of which may accept and use gifts without prior approval of the Mayor pursuant to section 115 of the FY 2002 Appropriations Act.

III. Establishment

There is hereby established, within the Executive Office of the Mayor, the Office of Partnerships and Grants Development ("OPGD"). This is the only entity that has authority to solicit, review, receive and approve donations to the District government, with two exceptions as set out in Section II(b) of this Order.

IV. Appointment of Director; Delegation of Authority; Resources; Disclosure Statements

- (a) The OPGD shall be supervised by a Director to be appointed by the Mayor. The Director shall report to the Mayor and/or the Mayor's designee. The Director is hereby delegated exercise of the Mayor's authority to apply for and to accept grant funding under section 119 of the FY 2002 Appropriations Act (and any substantially identical successor law). The Director is also hereby delegated exercise of the Mayor's authority to permit solicitation, receipt, and use of donations of funds, services and property by agencies of the District government under section 115 of the FY 2002 Appropriations Act (and any substantially identical successor law). The Director may subdelegate the authority to solicit, review, receive and approve donations to the government, to the employees within the Office, to agency directors, and to officials within the Executive Office of the Mayor, including Deputy Mayors.
- (b) The Director shall coordinate the exercise of the functions of the OPGD with the Executive Office of the Mayor, the Office of Legislative Support, the Office of Policy Research and Development, the Office of the Chief Financial Officer, the Office of the Corporation Counsel, the Office of the Secretary, the Office of Contracting and Procurement, the Office of Personnel, the Office of the Budget, and District operating agencies which have major grant responsibilities.
- (c) The Chief of Staff of the Executive Office of the Mayor shall provide the resources necessary to support the functions of the OPGD.
- (d) Each employee of the OPGD shall complete a Confidential Statement of Employment and Financial Interest (DPM Form 35) to be reviewed and maintained by the Director or her/his designee. These statements shall be used to address issues concerning actual or potential conflicts of interest related to the solicitation, receipt or use of donations from private donors.

V. Mission and Objectives

The mission and objectives of the OPGD are to:

- (a) Oversee the planning and execution of non-appropriated grant funding requests from District agencies to federal, foundation, and private sector donors;
- (b) Apply for and accept grants from public and private grant-making organizations or agencies on behalf of the District government in accordance with federal appropriations requirements and generally accepted accounting principles, in coordination with the Chief Financial Officer;
- (c) Coordinate the application by other District government agencies for grants to optimize grant support for the Mayor's citywide strategic plan;
- (d) Implement and enforce policies and procedures for the solicitation of donations;
- (e) Coordinate the solicitation of donations among those District government employees who have been delegated authority by the Director of OPGD to solicit private funds for the District government;
- (f) Accept and approve the use of donated funds in accordance with paragraph (d), above, federal appropriations requirements, and, in coordination with the Chief Financial Officer, assure that they are accounted for in accordance with generally accepted accounting principles;
- (g) Establish formal collaborative arrangements (sometimes called "partnerships") memorialized in writing, and approved by the Director, with nonprofit and private organizations for the purpose of supplementing existing resources for governmental purposes; and
- (h) Coordinate with the Office of the Corporation Counsel and other appropriate agencies to establish and conduct a comprehensive training program to educate government employees covered by this Order concerning the ethical, legal and fiscal requirements for administering donations for the benefit of the District government, as set out in section VI (A)(21) of this Order.

VI. Functions

A. The OPGD shall:

- 1. Apply for and accept grants from public and private grant-making organizations or agencies on behalf of the District government as authorized by section 119 of the FY 2002 Appropriations Act (and any substantially identical successor law);
- 2. Assist in developing and implementing strategies for shifting the funding of current services, where applicable, from local tax revenues to other non-appropriated federal, foundation, and private sources;
- 3. Coordinate the design and execution of resource development strategies that enhance the programs of District agencies directly related to the Mayor's District-wide strategic plan;
- 4. Identify potential and available financial, human, and in-kind support and disseminate that information to appropriate District agencies.
- 5. Assist District agencies in identifying appropriate projects for targeted funding from grants and donations;
- 6. Provide training and technical assistance to District agencies engaged in accessing potential non-appropriated grant funding sources;

7. Exercise leadership in supporting the action plans of District agencies relating to the successful cultivation, solicitation, and stewardship of grants from federal and other sources;
8. Adopt policies and procedures, consistent with “best practices”, in consultation with appropriate District agencies, to ensure the highest level of integrity in establishing and expanding public-private partnerships and administering the grants development process;
9. Coordinate and enforce effective policies and procedures related to both the solicitation of non-appropriated grant funds among District agencies and their respective collaborators and the solicitation of donations for government programs;
10. Facilitate the establishment of collaborative relationships with private organizations with a view to implementing the Mayor's District-wide strategic plan;
11. Oversee and direct the District of Columbia Grants Council as co-chair with the Office of the Chief Financial Officer;
12. Solicit and accept the donation of funds, property and services as authorized by section 115 of the FY 2002 Appropriations Act (and any substantially identical successor law);
13. Review requests by employees or agencies to solicit such donations and approve or disapprove such requests as appropriate, in accordance with the Rules of Conduct Governing Donations, as published in Mayor's Memorandum 2002-1;
14. Enforce the Rules of Conduct Governing Donations, through the implementation of procedures, including reporting and accounting procedures to be used by agencies of the District government that are within the purview of this Order;
15. Prepare and implement procedures to be followed in the solicitation of private donations for the District government;
16. Enter into a Memorandum of Understanding with the Chief Financial Officer establishing deposit and disbursement procedures for donated funds and procedures for issuance of donor acknowledgment letters;
17. Prepare and implement, in coordination with the Chief Financial Officer, procedures for the creation of auditable records, subject to public inspection, that account for the use of all donated funds;
18. Subject to approval by the Mayor, revise and update, as appropriate, the Rules of Conduct Governing Donations and the related protocol and procedures;
19. Coordinate the design and execution of donation development strategies that enhance the programs of District agencies directly related to the District-wide strategic plan;
20. Establish practices, policies and procedures in consultation with the Chief Financial Officer to ensure the highest level of integrity in establishing and expanding collaborative arrangements and administering the donation process;
21. Coordinate with the Office of the Corporation Counsel and other appropriate agencies to provide a training program on the Rules of Conduct Governing Donations, and the protocol and procedures

developed pursuant to this Order, for all District agencies covered by this Order, as set out in section V(h);

22. Publish an annual report, identifying each donor and non-appropriated grant funding source, as well as the date of receipt, the type and value, and the purpose for which each donation and non-appropriated grant has been or is to be used (such report may incorporate by reference any similar report required by law to be made by an individual agency); and

23. Provide a monthly report on solicitation and receipt of donations for review by the General Counsel of the Office of the Mayor and the Ethics Counselor of the Office of the Corporation Counsel.

B. The OPGD is designated as the District of Columbia's state liaison with federal executive agencies and with states on all matters related to state plans, applications for federal, foundation, and private donor grants and other assistance, and proposals for projects of an interstate nature. The OPGD shall serve as the State Single Point of Contact (SPOC) for the District of Columbia under Executive Order No.12372, 47 Fed. Reg. 30,959 (1982).

VII. Advisory Committee Established

An advisory committee is hereby established to advise the Director of OPGD regarding the donations program. The Committee shall review the annual report referred to in section VI(A)(22) of this Order as well as laws, regulations and policies governing donations and shall make recommendations to the Director concerning any necessary revisions. The Advisory Committee shall include the Chief of Staff and General Counsel of the Office of the Mayor, the City Administrator, the Corporation Counsel, the Ethics Counselor, and the Director of the Department of Parks and Recreation, the Director of the Commission on the Arts and Humanities, or their respective designees. The Director of the Office of Campaign Finance, the Inspector General, the Chief Financial Officer, and the Director of the Libraries (or their respective designees) shall be invited to be members of the Advisory Committee.

VIII. Implementation

- (a) The Chief of Staff in the Executive Office of the Mayor shall issue such administrative guidelines, standards, and requirements to be followed by all agencies of the District of Columbia that are necessary to carry out the purposes of this Order.
- (b) All District personnel subject to this Order are required to follow the Rules Conduct Governing Donations. Failure to follow the Rules of Conduct may result in disciplinary action.
- (c) Each agency shall designate an employee to be the point of contact with OPGD for the purpose of providing information about agency activities. Within 30 days of the effective date of this order, each agency shall provide OPGD with an inventory of all agency activities which may be subject to this order. Within 45 days of the effective date of this order agencies with statutory authority to solicit and receive donations (the Board of Trustees of the Public Library --D.C. Official Code (2001) § 39-105(a)(13); the Department of Parks and Recreation --D.C. Official Code § 10-302; and the Commission on the Arts and Humanities --D.C. Official Code § 39-204) shall confer with the Director of OPGD and the Ethics Counselor to develop implementing procedures that are consistent with this Order and recognize the separate statutory authority of each agency.

IX. Transition

- (a) Absent extraordinary circumstances, as determined by the Director of OPGD, a request to solicit, accept or gain approval of a donation will not be approved by OPGD until sufficient OPGD staff for implementation of the relevant provisions of this Order are in place. The Director of OPGD shall notify agencies, in

writing, when such staff are in place. Each request to solicit, accept, or gain approval of a donation shall be reviewed subject to all the standards set forth herein and all of the limitations and requirements set forth in the Rules of Conduct Governing Donations.

- (b) The Director of OPGD shall promptly develop a plan for full implementation of this Order. Upon development of that plan, and a determination that the staffing, protocols, procedures and resources are sufficient, the Director shall implement this order in full.

X. Effective Date

This Order shall be effective immediately.

ANTHONY A. WILLIAMS
MAYOR

ATTEST: _____
BEVERLY D. RIVERS
SECRETARY OF THE DISTRICT OF COLUMBIA